

April 13, 2009

Filed order certifying opinion for publication.

April 13, 2009(Continued)

DIVISION THREE

1005810-09

The Honorable **JOSEPHINE S. TUCKER**, Judge of the Superior Court of California, County of Orange, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division **Three**, as a justice thereof, on the following dates:

April 14, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

March 26, 2009

Ronald M George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION FOUR

B196078 Rich
 v.
 Koi Restaurant, et al.

Filed order denying petition for rehearing.

DIVISION FIVE

B204859 Noeman Samuels (Not for Publication)

v.

Grubb & Ellis Company, et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.

 Mosk, J.

B206545 People (Not for Publication)

v.

Roy McKinley

The abstract of judgment is ordered corrected to reflect the imposition of one \$20 security fee for each of appellant's convictions pursuant to section 1465.8, for a total of \$80 in such fees. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.

 Mosk, J.

B209947 Felix Stansfield

v.

Lifeforce Water Systems

B209949 Lydia Kline

v.

Lifeforce Water Systems

Filed order consolidating above captioned appeals.

April 13, 2009(Continued)

DIVISION SIX

[illegible]

The trial court is directed to strike the 10-year gang enhancement and to amend the abstract of judgment to reflect (1) an aggregate sentence of 50 years to life, and (2) that appellant serve a minimum of 15 calendar years before he is considered eligible for parole. The trial court is further directed to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B205001 People (Not for Publication)
v.
Callahan

The judgment is modified to show that appellant is entitled to 800 days of presentence custody credit, consisting of 534 days of actual custody credit and 266 days of conduct credit. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to send a certified copy to the Department of Corrections and Rehabilitation.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

April 13, 2009(Continued)

DIVISION SIX (continued)

B203826 People v. Alcantara (Not for Publication)

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B194465 People
v.
Godoy

Filed order denying petition for rehearing.

DIVISION SEVEN

B207341 People (Not for Publication)
v.
Munoz

The matter is remanded to the trial court. On remand, the trial court is directed to vacate the abstract of judgment; and to order the Clerk of the Superior Court to prepare a new abstract of judgment consistent with this opinion. The court is further ordered to direct the Clerk of the Superior Court to send the new abstract of judgment to the Department of Corrections. The judgment is affirmed in all other respects.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION SEVEN (continued)

B204872 Cottenseed, LLC (Not for Publication)
 v.
 Kang et al.,

The judgment is affirmed. Respondent to recover costs on appeal.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B207391 Vidrio et al., (Certified for Publication)
 v.
 Hernandez
 Mercury Insurance Company

The order imposing sanctions is reversed. In light of respondents' decision not to file any brief in the appeal, Mercury Insurance Company is to bear its own costs on appeal.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

B209855 Roman (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (Flo-Kem, Inc., r.p.i.)

The petition for writ of mandate is denied. Flo-Kem is to recover its costs in this original proceeding.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

April 13, 2009(Continued)

DIVISION SEVEN (continued)

B208675 Los Angeles County, D.C.F.S. (Certified for Publication)
v.
Lisa M.,

The June 9, 2008 order of the juvenile court denying visitation is reversed. In light of the subsequent order restoring monitored visitation and terminating juvenile court jurisdiction, no remand for further proceedings is necessary.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B203724 Kurwa (Not for Publication)
v.
Cheng et al.,

The judgment is affirmed. Cheng and Smart Finances Resources, Inc., are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B204269 Hill
v.
P.K. Schrieffer, LLP, et al.

Filed order denying petition for rehearing.

DIVISION EIGHT

B203178 Robert Schaefer et al., (Not for Publication)
 v.
 City of Lancaster, et al.

The granting of each of these motions for summary judgment is reversed and the matter remanded to the trial court with directions to enter new orders denying the motions for summary judgment. Appellants shall recover their costs incurred in this appeal.

Bauer, J. (Assigned)

We concur: Rubin, Acting P.J.
 Bigelow, J.

B196906 Doris Silvestro et al., (Not for Publication)
 v.
 Kaiser Gypsum Company, Inc.,

The judgment is reversed. The jury's findings regarding liability are affirmed; the jury's allocation of fault is reversed. The case is remanded to the trial court to proceed in a manner consistent with the opinion. The parties are to bear their own costs on appeal.

Bigelow, J.

We concur: Flier, Acting P.J.
 O'Neill, J. (Assigned)

B206668 Robert Amezcua, et al., (Not for Publication)
 v.
 County Of Los Angeles

The order is affirmed. Each side shall bear their own costs on appeal.

Rubin, Acting P.J.

We Concur Bigelow, J.
 Bauer, J. (Assigned)

April 13, 2009(Continued)

DIVISION EIGHT (continued)

1005914-09

The Honorable **HELEN BENDIX**, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Eight**, as a justice thereof, on the following dates:

June 1, 2009 to July 31, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

April 2, 2009

Ronald M George
Chief Justice of California and
Chairperson of the Judicial Council